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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|-------------------------|------------------|
| 09/039,072 | 03/13/1998 | ATSUSHI SASAKI | P/1878-109 | 9140. |
| 7590 | 11/03/2004 | | EXAMINER | |
| Steven I Weisburd DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP 1177 Avenue of Americas 41st Floor New York, NY 10036-2714 | | | GRIER, LAURA A | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2644 | |
| | | | DATE MAILED: 11/03/2004 | |

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Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/039,072 | SASAKI, ATSUSHI | |
| | Examiner | Art Unit | |
| | Laura A Grier | 2644 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 28 July 2004.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-10 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1, 4, 6, 8 and 10 is/are rejected.
 7) Claim(s) 2,3,5,7 and 9 is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Objections

2. Claim 1 is objected to because of the following informalities: line 10, recites "...the a...", which is grammatical error; lines 11-12, recite "...the a...", which is grammatical error. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 4, 6, 8 and 10 rejected under 35 U.S.C. 102(b) as being anticipated by Op De Beek et al. (herein, Beek), U. S. Patent No. 4628530.

Regarding claims 1 and 10, Beek discloses loudspeakers (11), which reads on loudspeaker; a microphone (14) positioned in the listening environment (room) of the speaker to detect the speaker output and the distortions (reflections, which constitutes as echoes) within the listening environment, which reads on a microphone; a frequency analysis unit and equalizing unit (17/9) for correcting the frequency characteristic of the

signal, which reads on a processor for generating a difference by comparing, in real time therein, with a direct output from the microphone with an output signal from a sound source (2); and an amplifier (5) – figures 1, 5 and 7, abstract, col. 8, lines 41-64, and col. 13, lines 24-38.

Regarding claims 2, 4, 6 and 8, Beek discloses everything claimed as applied above (see claim 1). Beek further discloses an algorithm (Fourier transformation) for correct the acoustic output signal of the loudspeaker, which reads on the claimed limitations, therein.

Allowable Subject Matter

5. Claims 2-3, 5, 7, and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

6. Applicant's arguments, see pages 6-8, filed 8/3/04, with respect to the rejection(s) of claim(s) 1 and 10 under 35 U.S.C. 102 (b) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Beek. Beek discloses a speaker receiving an audio input signal, wherein the audio signal is output by the speaker in a listening environment which is subject to acoustic distortions, and a microphone is provided the listening environment to pick up the signal output by the speaker, which includes the speaker's frequency response the acoustic distortions of

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the listening environment, and the microphone provides an feedback input signal frequency analysis unit and an equalizing unit (in real time), wherein a comparison takes place of the between the audio signal and microphone signal to corrected the acoustic sound field of the loudspeaker.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura A Grier whose telephone number is (703) 306-4819. The examiner can normally be reached on Monday - Friday, 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W. Isen can be reached on (703) 305-4386. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Laura A. Grier
11-1-04


XU MEI
PRIMARY EXAMINER